



PATENT
Docket No. 10191/3467

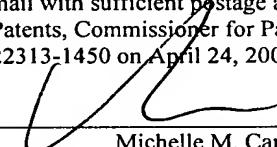
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant : Thilo LEINEWEBER et al.
Serial No. : 10/797,680
Filing Date : March 9, 2004
For : METHOD AND DEVICE FOR CONTROLLING THE SPEED OF A MOTOR VEHICLE
Group Art Unit : 3664
Examiner : Marie Weiskopf
Confirmation No. : 4908

Address to:
Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing or Transmission

I hereby certify that this correspondence and accompanying documents are being deposited with the United States Postal Service as first class mail with sufficient postage addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2008.


Michelle M. Carniaux (Reg. No. 36, 098)

RESPONSE TO "NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 C.F.R. 41.37)"

Sir:

This paper is in response to the "Notification of Non-Compliant Appeal Brief (37 C.F.R. 41.37)" dated April 10, 2008 in connection with the above-captioned application. The Notification contends that the "Appeal Brief Pursuant to 37 C.F.R. § 41.37" ("the Appeal Brief") submitted on January 18, 2008 does not comply with the requirements of 37 C.F.R. § 41.37(c)(1)(v).

As indicated in the M.P.E.P. § 1205.03, "[w]hen the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice." Accordingly, a replacement "Summary of the Claimed Subject Matter" section is submitted herewith to replace the section of the Appeal Brief captioned "Summary of the Claimed Subject Matter."

Please replace the section of the Appeal Brief captioned "Summary of the Claimed Subject Matter" with the following replacement section:

--5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Generally, the pending claims are directed to devices and methods for controlling the speed of a motor vehicle in terms of either a constant distance control, or a constant speed control. (See, e.g., page 1, lines 2 to 9 of Appellants' specification). Independent claim 1 recites a device (1) for controlling the speed of a motor vehicle, including an arrangement (5) for allowing a distance to a preceding vehicle to be set by a driver of the vehicle in the form of a time gap (see, e.g., page 3, lines 21 to 23 and Figure 1 of Appellants' specification); an arrangement (7) for changing longitudinal dynamics of the speed control when the time gap changes (see, e.g., page 4, lines 2 to 7 and Figure 1 of Appellants' specification); an arrangement (7, 12, 14) for increasing, given a decrease in the time gap, at least one of a maximum possible vehicle acceleration and a maximum possible vehicle deceleration implementable by a speed control system so that the vehicle is capable of at least one of accelerating and decelerating more quickly given the decrease in the time gap (see, e.g., page 4, lines 7 to 11 and Figure 1 of Appellants' specification); and an arrangement (7) for first activating, given the decrease in the time gap, deceleration devices (14) of the vehicle at a shorter distance from the preceding vehicle (see, e.g., page 4, lines 11 to 15 and Figure 1 of Appellants' specification).

Independent claim 5 recites a method for controlling the speed of a motor vehicle, including setting (5) a distance to a preceding vehicle by a driver of the vehicle in the form of a time gap (see, e.g., page 3, lines 21 to 23 and Figure 1 of Appellants' specification); changing longitudinal dynamics (7) of the speed control when the time gap changes (see, e.g., page 4, lines 2 to 7 and Figure 1 of Appellants' specification); increasing (7, 12, 14), given a decrease in the time gap, at least one of a maximum possible vehicle acceleration and a maximum possible vehicle deceleration implementable by a speed control system so that the vehicle is capable of at least one of accelerating and decelerating more quickly given the decrease in the time gap (see, e.g., page 4, lines 7 to 11 and Figure 1 of Appellants' specification); and first activating (7), given the decrease in the time gap, deceleration devices (14) of the vehicle at a shorter distance from the preceding vehicle (see, e.g., page 4, lines 11 to 15 and Figure 1 of Appellants' specification).--.

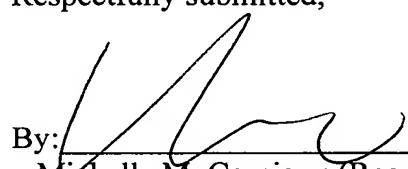
PATENT
Docket No. 10191/3467

It is believed and respectfully submitted that the foregoing replacement section fully complies with the requirements of 37 C.F.R. § 41.37(c)(1)(v) and that the Appeal Brief now fully complies with all of the requirements of 37 C.F.R. § 41.37.

In view of all of the foregoing and for all of the reasons more fully set forth in the Appeal Brief, reversal of all of the rejections set forth in the Final Office Action dated July 26, 2007 is respectfully requested.

Respectfully submitted,

Dated: 24 April 2008

By: 
Michelle M. Carniaux (Reg. No. 36,098)
KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)